

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:07-cv-00519-FDW**

**ATLANTIC RECORDING
CORPORATION, a Delaware corporation,
UMG RECORDINGS, INC., a Delaware
corporation, WARNER BROS. RECORDS,
INC., a Delaware corporation, and ARISTA
RECORDS, LLC,**

Plaintiffs,

vs.

CLIFFORD L. ZANDROWICZ,

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte* concerning the status of Plaintiffs' case and Plaintiffs' failure to prosecute their claims.

On December 11, 2007, Plaintiffs filed their complaint for copyright infringement against Defendant Clifford L. Zandrowicz. The Court issued the summonses on the same day (Doc. No. 2), and it was returned executed on December 28, 2007 (Doc. No. 6). Defendant did not file an answer or otherwise respond to the Court; however, he did mail a letter to Plaintiffs' counsel generally denying the allegations in the Complaint and asserting the defense of "internet piracy" by someone accessing Defendant's wireless Internet router. Plaintiffs' counsel submitted Defendant's letter to the Court, along with correspondence that noted a reservation of rights and claims. (Doc. No. 7). As such, the Court expresses no opinion at this time as to how the Court might construe Defendant's letter.


Other than filing the original Complaint, Plaintiffs have taken no further action in prosecution

of their claims against Defendant. Within nine (9) calendar days from the date of this Order, Plaintiffs are instructed to SHOW CAUSE why this action should not be dismissed. If Plaintiffs fail to respond within nine (9) calendar days, this Court will dismiss this action for their failure to prosecute.

IT IS, THEREFORE, ORDERED THAT, on or before March 7, 2008, Plaintiffs shall SHOW CAUSE why this action should not be DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute this action. Plaintiffs are warned that failure to make a timely response to this Order to Show Cause will result in DISMISSAL of this lawsuit. The Clerk shall deliver a copy of this letter to counsel for Plaintiffs and to Mr. Clifford L. Zandrowicz, 607 Bruce Court, Monroe, North Carolina 28110, which is the return address appearing on the envelope mailed to Plaintiffs' counsel.

IT IS SO ORDERED.

Signed: February 27, 2008


Frank D. Whitney
United States District Judge

